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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
087578.109	12/26/95	CHIKAKI	K0208.003

13M1/0911  
JOHN M DIMATTEO  
PATTERSON BELKNAP WEBB AND TYLER  
1133 AVENUE OF THE AMERICAS  
NEW YORK NY 10036-6710

EXAMINER

YODER, M

ART UNIT PAPER NUMBER

1301

DATE MAILED: 09/11/97

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/578,109**

Applicant(s)  
**Chikaki et al**

Examiner  
**Michele K. Yoder**

Group Art Unit  
**1301**



☒ Responsive to communication(s) filed on Jun 6, 1997

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-3, 5-7, and 9-14 is/are pending in the application.

Of the above, claim(s) 12-14 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-3, 5-7, and 9-11 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 11

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1301

## **DETAILED ACTION**

### ***Election/Restriction***

1. Newly submitted claims 12-14 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 12-14 are directed to a method of laminating a material which requires the step of removing the material from contact with the upper surface of the heat source prior to removing the material from the chamber. The apparatus claims originally presented do not require a means capable of removing the material from the heat source prior to its removal from the chamber. Additionally, the originally presented claims do not require that a lamination occur within the chamber, thus the originally presented apparatus claims may be used to perform a materially different method than that recited in the newly presented claims 12-14.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 12-14 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit:

3. Claims 1, 5-6, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted state of the prior art in view of Hinterseer and Garabedian for the reasons stated in paragraph 10 of the previous office action, paper number 8.

Tourneux has been withdrawn from the rejection as being unnecessary as the claims have not been amended such that they are specific to the solar cell lamination environment.

With respect to Hinterseer, also note col. 4, line 65-col. 5, line 63 which discuss movement of the heating plates with respect to each other and with respect to the work so as to control the amount of heat applied thereto. The embodiment of figure 2 which is directed to movement of the work with respect to the heating plates is discussed in the previous office action.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted state of the prior art in view of Hinterseer and Garabedian as applied to claim 1 above, and further in view of Vogt.

Vogt is applied as in the previous office action to teach supporting rods as conventional supporting means.

5. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted state of the prior art in view of Hinterseer and Garabedian as applied to claims 1 and 6 above, and further in view of Miyashita.

Art Unit:

Miyashita is applied as above to teach multiple stacked laminating sections to be well known.

No claim is allowed.

***Response to Arguments***

6. Applicant's arguments filed 6/6/97 have been fully considered with the following results:

Applicant's arguments with respect to the use of Garabedian as a primary reference has been considered persuasive in the fact that Garabedian fails to teach providing the heating plate within a chamber wherein this chamber is separated by a diaphragm. Thus, the rejections using Garabedian as the primary reference have been withdrawn. However, applicant's arguments with respect to the teachings of a movable heating member in the Garabedian reference are not persuasive. Garabedian shows that the heating member is capable of being moved with respect to the work supporting means (4,5,P1,P2). Although Garabedian fails to teach the particular ***methodology*** recited in the claims of moving the heating plate with respect to the support members so that the work is supported above and apart from the upper surface of the heating member when the heating member is located in its downward position is irrelevant to the claimed ***apparatus*** as long as the prior art apparatus is capable of performing this method. It is the examiner's position that the movable heating means in the Garabedian apparatus is capable of performing applicant's claimed method.

Art Unit:

Applicant's comments with respect to Hinterseer have been noted, however, these arguments are not commensurate in scope with the claims as they do not require the material to be in contact with the heating stage.

*Conclusion*

7. **THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).**

**A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Michele Yoder** whose telephone number is **(703) 308-2065**. The examiner can normally be reached on Monday, Wednesday, and Thursday from 6:30 am to 4:00 pm.

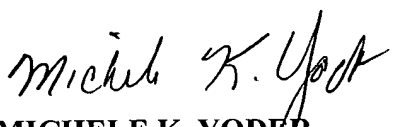
Art Unit:

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball, can be reached on (703) 308-2058. The **fax** phone number for this group is **(703) 305-7115**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-0651.

MKY

September 10, 1997

  
**MICHELE K. YODER**  
**PRIMARY EXAMINER**  
**GROUP 1300**